

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID MICHAEL LIEFER,)

Petitioner,)

vs.)

UNITED STATES OF AMERICA,)

Respondent.)

Case No.: 2:11-cr-00356-GMN-PAL

ORDER

On March 7, 2013, Defendant David Michael Liefer filed a Motion to Dismiss Counsel for the Defense, Attorney Paul Riddle (ECF No. 46), and a Motion to Release Defendant from Federal Detention (ECF No. 47). It appearing to the Court that the Defendant is merely asking to terminate his counsel so he may himself file the subsequent motion regarding his sentencing calculations, the Court GRANTS Defendant's Motion to Dismiss Counsel. (ECF No. 46).

With regard to Defendant's Motion to Release Defendant from Federal Detention (ECF No. 47), Defendant claims to have 81 days of credit and now eligible for immediate release. Defendant thus appears to be requesting either: 1) credit for this time he believes he has earned, to be taken off from his sentence; 2) a re-sentencing so he can be given a sentence of "Time Served" rather than a time certain, so that he may avoid the delay of having to wait for the Bureau of Prisons to calculate his actual expiration date; or 3) an Order of Release.

However, as the Defendant conceded in his motion, the Court has already addressed this request at sentencing and it was denied. As explained previously, the Bureau of Prisons, under the authority of the Attorney General is the government agency that computes the amount of credit the defendant will receive. *U.S. v. Wilson*, 503 U.S. 329 (1992).

Defendant has failed to demonstrate any valid basis for the Court to re-visit this issue.

1 Accordingly,

2 **IT IS HEREBY ORDERED** that Defendant David Michael Liefer's Motion to Release
3 Defendant from Federal Detention (ECF No. 47) is **DENIED**.

4 **DATED** this 12th day of August, 2013.

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7 Gloria M. Navarro
8 United States District Judge
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